

1 H.28

2 An act relating to diversion and expungement

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 3 V.S.A. § 163(e) is amended to read:

5 (e)(1) Within 30 days after the two-year anniversary of a successful
6 completion of juvenile diversion, the court shall provide notice to all parties of
7 record of the court's intention to order the expungement of all court files and
8 records, law enforcement records other than entries in the juvenile court
9 diversion program's centralized filing system, fingerprints, and photographs
10 applicable to the proceeding. However, the court shall not order expungement
11 if the participant does not satisfy each of subdivisions (A)–(D) of this
12 subdivision. The court shall give the State's Attorney an opportunity for a
13 hearing to contest the expungement of the records. The court shall expunge
14 the records if it finds:

15 (A) two years have elapsed since the successful completion of
16 juvenile diversion by the participant ~~and the dismissal of the case by the State's~~
17 ~~Attorney;~~

18 (B) the participant has not been convicted of a subsequent felony or
19 misdemeanor during the two-year period, and no proceedings are pending
20 seeking such conviction;

21 (C) rehabilitation of the participant has been attained to the
22 satisfaction of the court; and

